

incorporated into Part 22 of the rules for other PMS carriers. This significant oversight must be rectified.

In the *Third CMRS Order*, the Commission provided for renewal expectancies for all CMRS services, including PMS paging.<sup>14</sup> However, the language for a renewal expectancy for PMS carriers, other than cellular, has not been incorporated into Part 22 of the rules. In fact, other CMRS carriers have been provided with renewal expectancies in the specific rules governing their services. For instance, in Part 24 of the Commission's Rules, a renewal expectancy has been adopted for Broadband and Narrowband PCS. Specifically, Section 24.16 provides that the renewal expectancy is the most important comparative factor to be considered in a comparative PCS renewal proceeding. The PCS renewal applicant is awarded the preference if it has: (1) provided "substantial service," which is defined as service that is sound, favorable, and substantially above a level of mediocre service which might just minimally warrant renewal; and (2) substantially complied with applicable Commission rules, policies and the Act.<sup>15</sup> As required by *Third CMRS Order*, the Commission must incorporate similar renewal expectancy language into Part 22 of the rules with respect to PMS stations other than cellular stations.

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<sup>14</sup> *Third Report And Order, In the Matter of Implementation of Section 3(n) and 332 of the Communications Act*, 59 FR 59945 (1994) ("*Third CMRS Order*") at ¶ 386.

<sup>15</sup> 47 C.F.R. § 22.16.

## IX. Conclusion


In the CMRS marketplace, paging carrier must be given the opportunity to compete effectively with other carriers and be provided with the regulatory structure to respond swiftly consumer demand and to meet that demand by providing high quality paging service to the public. The majority of changes made to the Part 22 rules will be beneficial in speeding service to the public and minimizing the regulatory burdens on paging carriers. However, some of the rule changes will work counter to these goals and result in licensing or operational inefficiencies. These regulatory burdens should be eliminated or modified in order to allow paging to play its proper role in the CMRS marketplace.

**WHEREFORE**, for all of the foregoing reasons, PageNet requests that the Commission reconsider, clarify and modify the Part 22 rules as specified in this Petition.

Respectfully submitted,

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December 19, 1994

CERTIFICATE OF SERVICE

I, Deborah S. Cohill, hereby certify that on this 19th day of December, 1994, a true and correct copy of the foregoing Petition for Reconsideration and Clarification of Paging Network, Inc. was hand-delivered to the following individuals:

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